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'Honour' Killing and Violence

Theory, Policy and Practice

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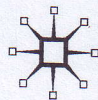
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Foreword

Honoured by the invitation to write a foreword for *'Honour' Killing and Violence: Theory, Policy and Practice*, I would like to start by congratulating the editors and individual contributors of this collection for challenging and advancing the scholarly examination of 'honour' killing and violence in relation to the fields of law, policy and practice. Having been engaged for a number of years myself, with Advocate Sara Hossain, in a project concerning the same broad subject area, and working with different project partners,¹ I am well aware of the commitment that the production of an edited volume such as this demands from all those involved, and am confident that their efforts will be met with appreciation from scholars, activists, lawyers and policy-makers alike.

Over the course of the last decade, scholarly investigation, activism and advocacy regarding crimes of violence against women, including 'honour crimes' or 'honour-based/related violence', have gained international momentum. New networks have been formed, new campaigns launched, significant meetings held and new studies published around the world, from both domestic and international perspectives, to which this current collection comes as a significant addition. In some places important gains have been made in the effort to reform existing laws, to remove discriminatory provisions in penal codes that permit reduced sentences for the murder of women and girls if the court accepts an 'honour'-related defence, and also to work with the judiciary and law-enforcement agencies on policy and practice-related initiatives.

I take the opportunity here to look briefly at three examples of such reforms to the criminal law in Arab jurisdictions not covered in detail in the current volume, but where work specifically targeting 'crimes of honour' began relatively early (Lebanon), gained substantial international attention (Jordan) and has recently illustrated the transnational as well as domestic complexities of the debates (Palestine). They thus give further context to the different considerations in this book. In all three cases, legal reforms have been the result of sustained engagement by women's and human rights groups and wider civil society. Similar provisions in the penal codes variously allowed for the reduction in sentence in the case of a murder or other assault by a man upon his wife, sister, ascendant or descendant in the event that he surprised them

in the act of adultery or unlawful intercourse. The symbolism of such provisions in the national legislation was critical; in practice they were rarely if ever applied, and sentences for 'crimes of honour' tended to be reduced in accordance with broader defences or (in Egypt) at the discretion of the court.² If campaigns placed a focus on criminal law reform, this was as part of a broader struggle seeking to address 'honour'-related violence on a number of different levels in society and state institutions, resonating with analyses in this current volume and highlighted in the Introduction.

In Lebanon, attention particularly focused on Article 562 of the Lebanese penal code, which allowed for exemption from punishment of the perpetrator and had been the target of women's and human rights advocates since the early 1970s. This provision was amended in 1999, to reduce the full exemption enjoyed by the perpetrator to mitigation of sentence. Building on this victory, advocacy continued for the full repeal of Article 562, and for action by both government and civil society to change assumptions and practices underpinning such crimes of 'honour'.³ In August 2011, Article 562 was finally repealed by the Lebanese Parliament. It is clear, however, as Maya Mikdash notes, that 'we should not be too quick to assume that the repeal of Article 562 marks the end of legal protection for crimes that are framed within a discourse of honour'.⁴

In Jordan, where a significant amount of domestic and international attention has been directed at crimes of 'honour', amendments to the penal code provision (similar but not identical to the original Lebanese provision) were the focus of a high-profile civil society campaign, and in 2001 amendments were introduced by the government as temporary legislation in the absence of a sitting parliament. When parliament reconvened, the Lower House twice rejected the amendments while the Upper House approved them. The government addressed the fate of the 2001 amendments in its 2006 report to the Committee on the Elimination of All Forms of Violence Against Women, stating that despite the challenges, public awareness had considerably increased and that 'this experience clearly shows the importance of ensuring that efforts to introduce amendments to legislation go hand in hand with public education, pressure tactics and the systematic enlistment of support'.⁵ In 2010, again in the absence of a sitting parliament, the Jordanian government issued a new temporary law which largely upheld the 2001 amendments, changes that were enacted into law by parliament the following year.⁶

Palestine has also seen significant civil society action against 'honour'-related violence, and in 2011 the 'honour killing' of a university student prompted local demonstrations with placards hailing her as a martyr (*shahida*).⁷ Palestinian President Mahmoud Abbas moved to repeal Article 340 of the 1960 Jordanian penal code still in force in the West Bank, and the British mandate-issued criminal code in force in the Gaza Strip was also amended, to exclude 'crimes of killing women against the background of family honour' from a defence otherwise available for the court to consider – that of 'defence of one's own honour or that of others'.⁸ In November 2012, UN Women launched a video by DAM, a well-known Palestinian hip hop group, entitled 'If I could go back in time' and aimed at raising awareness of 'honour killings' among youth, male and female, across the Arab world.⁹ The song and video tell a story in reverse, following a young woman back from the time of her death as a victim of an 'honour killing' through events that led there. In an indication of a particular line of academic critique of certain work on 'honour' crimes, a response was promptly posted on the widely read online magazine *Jadaliyya*, and the online exchanges and comments that followed illustrate a range of views as to how such critical work might best be pursued within the Middle East and supported by those outside the region.¹⁰

Beyond the Middle East, as this current volume shows, key issues raised in our 2005 publication remain unresolved. A 2012 collection of papers by Manisha Gupta and co-editors is presented as bringing together 'diverse feminist positions (some complementary and some differing) and viewpoints from South Asia and from groups working with South Asian communities in Canada, the UK and USA'. According to the editors, 'the viewpoints range from wanting to name certain forms of misogynist violence as being "honour" related, to feeling uncomfortable with the term, especially in the context of racialised South Asian minorities living abroad'.¹¹ This diversity of perspectives resonates with Hannana Siddiqui's consideration (in Welchman and Hossain, 2005) of activism in Britain, in which she explored, among other things, differences between activists from 'predominantly South Asian groups', who argued for the integration of work on 'honour'-related violence into the wider framework of domestic violence ('to prevent a racist reaction from the state'), and 'Middle Eastern Women's groups [that] wanted to separate "honour killings" from domestic violence on the grounds that domestic violence is trivialised by the wider community and the state'.¹²

Other differences also persist. In 2012 the United Nations Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, addressed 'gender-related killings of women' in her 2012 report to the UN Human Rights Council. She explores some of the debates over naming and over concepts, including 'honour killings' and 'crimes of passion', and she warns against simplistic and 'often stereotypical' ways of approaching the subject. Manjoo also refers to developments in Latin America, notably 'the femicide versus femicide debate', indicating a pragmatic approach when consensus was not achieved: she states that 'feminists and academics have simply moved past the issue and adopted either or both terms, depending on the country, the context, or the lobbying target'.¹³

Nevertheless, criticisms of the way in which the issues are raised and dealt with in and from (mostly) Western fora have increased since 2005. These critiques come from academics and from activists who have seen their own concrete 'on the ground' efforts to eradicate these crimes in solidarity with victims and survivors undermined by particular interventions. One case in point concerns Norma Khouri's 2003 international bestseller, *Forbidden Love*,¹⁴ originally presented as a 'memoir' of an honour killing in Jordan and subsequently withdrawn by the publisher after interventions by pioneering Jordanian journalist Rana Husseini and the Jordanian Women's Union, as well as investigations by Australian journalists, questioning the factual basis of the narrative. Husseini has since published an autobiography¹⁵ in which she traces the harmful impact of the book on the Jordanian campaign: 'Those who opposed change, who suspected that a western agenda lies behind our activism,' she reflected, 'were suddenly presented with "evidence" that crimes of honour were a fiction and an exaggeration and sought to link our campaign with Khouri's book.'¹⁶

In Palestine, Penny Johnson of Birzeit University's Institute for Women's Studies noted in 2008 that she and her colleagues had at first

steered away from topics that we considered had been framed, exoticised and sensationalised by Western media and writers as Orientalist tropes or emblems of Palestinian or other Arab societies. We were also critical of ever-escalating donor agendas and their funding interest in 'violence against women' which included individual male violence but seemed to exclude the pervasive colonial violence in which Palestinian women, men and children lived their lives and sometimes met their deaths.¹⁷

Johnson's article critiques a Human Rights Watch report on violence against women in the West Bank and Gaza, in which she finds that 'Palestinian society is portrayed as unrelievedly and unchangingly patriarchal' without the contestation and competing interests that render it subject to change. Many Palestinians (women and men alike), she tells us, would find Human Rights Watch's description of their lives 'not only unreflective of their lived experience, but offensive in its stereotypical generalization'.¹⁸

Johnson's insistence on the political context seemingly ignored in donor agendas on violence against women in Palestine resonates with the suggestion by Columbia University professor Lila Abu-Lughod that we consider 'the ideological role the honor crime might be playing in a period when critics of American imperial interventions and European anti-immigrant sentiment have questioned the liberality of existing Western democracies'.¹⁹ In this energetic intervention, Abu-Lughod ranges across a set of texts from literature through 'memoirs' (such as Khouri's), human rights reports and academic publications, interspersing her readings of these with findings from her own field research and observations among the Awlad 'Ali Bedouins in Egypt. In so doing she draws our attention to 'certain ethical and political dilemmas that feminists and other rights activists must face as they work in a global world'.²⁰ Abu-Lughod insists that 'any diagnosis of gender violence that attributes it to timeless cultures distracts us from local, national, and international political, institutional and cultural dynamics that are essential to an analysis of violence and responsible efforts to mobilise against it' (a theme that criminologist Aisha K. Gill and historian Carolyn Strange both stress in this volume).²¹ 'Whatever positive legal reforms and religious condemnation it has incited,' Abu-Lughod suggests, 'the honor crime may have exhausted its usefulness.'²²

Sara Hossain and I have held that recently published scholarship (which now includes this important volume) indicates that Abu-Lughod's suggestion may be somewhat precipitate.²³ Despite all its attendant complexities, the editors of *'Honour' Killing and Violence: Theory, Policy and Practice* have found the 'honour violence' organising concept still of sufficient, indeed critical, academic and policy-related cogency to warrant investigation. For those involved on the ground in challenging harmful practices and working to determine the best advocacy strategies in light of the complex surroundings, dynamics and particularities of each setting, the chapters in this important and illuminating collection further remind us of the commonality of struggle as

well as the differences and distinctions that arise as we attempt to gain deeper understanding of, and forge responses to, violence cloaked in the guise of 'honour'.

Professor Lynn Welchman
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Notes

1. The volume of papers from that project is published as Welchman, L. and Hossain, S. (eds) (2005) *Honour: Crimes, Paradigms and Violence against Women* (London: Zed Books). For abstracts of the contents, see <http://www.soas.ac.uk/honourcrimes/publication/>.
2. See the seminal article by Abu Odeh, L. (1996) 'Crimes of Honour and the Construction of Gender in Arab Societies', in Yamani, M. (ed.) *Feminism and Islam* (Reading: Ithaca Press).
3. See Hoyek, D., Sidawi, R. R. and Mrad, A. A. (2005) 'Murders of Women in Lebanon: "Crimes of Honour" between Reality and the Law', 111–136, in Welchman and Hossain.
4. Mikdashi, M. (2011) 'Honoring the Law: Honor, Gender and Crime in the Lebanese Penal Code', *Jadaliyya*, 11 September 2011, http://www.jadaliyya.com/pages/index/2598/honoring-the-law_honor-gender-and-crime-in-the-leb, accessed 25 July 2013.
5. Jordan's third and fourth periodic reports to CEDAW, CEDAW/JOR/3–4 10 March 2006, para. 34.
6. Temporary Law no. 12/2010 amending the Penal Code no.16/1960; replaced by Law no.8/2011. See Warrick, C. (2005) 'The Vanishing Victim: Criminal Law and Gender in Jordan', *Law and Society Review*, 39, 315.
7. Among other online reports, see Shiyoukhi, N. and Laub, K. (2011) 'Palestinian Women Aya Baradiya's "Honor" Killing Sparks Tougher West Bank Law', *Huffington Post*, 19 May 2011, http://www.huffingtonpost.com/2011/05/19/palestinian-woman-aya-bar_n_864430.html, accessed 25 July 2013.
8. Presidential Decision no. 7 of 2011, amending the penal codes in force in the Northern and Southern Governorates, *Official Gazette* no. 91 of 10 October 2011. The legislature, the Palestinian Legislative Council, has not been functional since 2007.
9. See: <http://www.unwomen.org/2012/11/palestinian-hip-hop-group-dam-raises-awareness-of-honour-killings-through-a-powerful-music-video/>.
10. See Abu-Lughod, L. and Mikdashi, M. (2012) 'Tradition and the Anti-politics Machine: DAM Seduced by the "Honor Crime"', *Jadaliyya*, 23 November 2012, <http://www.jadaliyya.com/pages/index/8578/tradition-and-the-anti-politics-machine-dam-seduce>, accessed 25 July 2013.
11. Gupta, M., Awasthi, R. and Chickerur, S. (eds) (2012) *Honour and Women's Rights: South Asian Perspectives* (Pune: MASUM).
12. Siddiqui, H. (2005) 'There Is No "Honour" in Domestic Violence, Only Shame': Women's Struggles against "Honour" Crimes in the UK', 263–281,

in Welchman and Hossain, 276. See also Chakravati, U. (2005) 'From Fathers to Husbands: Of Love, Death and Marriage', 308–331, in Welchman and Hossain.

13. A/HRC/20/16 (23 May 2012), paras. 22, 25. Section B: 3 (paras 43–50) is on 'Killings of Women and Girls in the Name of H'.
14. Khouri, N. (2003) *Forbidden Love* (UK: Doubleday; Bantam, 2004). See discussion in Abu Hassan, R. and Welchman, L. (2005) 'Changing the Rules? Developments on "Crimes of Honour" in Jordan', 199–208, in Welchman and Hossain, 207.
15. Hussein, R. (2011) *Murder in the Name of Honour. The True Story of Women Woman's Heroic Fight against an Unbelievable Crime* (Oxford: Oneworld Publications), 89–100. She notes that Khouri's book 'eventually sold 200,000 copies' in Australia, 96.
16. Hussein (2011), 94.
17. Johnson, P. (2008) 'Violence All around Us,' Dilemmas of Global and Local Agendas Addressing Violence against Palestinian Women, an Initial Intervention', *Cultural Dynamics*, 20(2), 119–132, p. 120.
18. Johnson (2008), 124. Human Rights Watch. (2006) 'A Question of Security: Violence against Palestinian Women and Girls', November, 18(7) (E).
19. Abu-Lughod, L. (2011) 'Seductions of the "Honor Crime"', *Differences: A Journal of Feminist Cultural Studies*, 22(1), 17–63, p. 32.
20. Ibid, 51.
21. Abu-Lughod, 50.
22. Ibid, 53.
23. In the preface to the Turkish translation of our 2005 book, forthcoming.